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and Third-Party Plaintiff DC Comics*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CHRISTOPHER WOZNIAK,

Plaintiff,

v.

WARNER BROS. ENTERTAINMENT INC.,

Defendant.

Civil Action No. 22-cv-08969 (PAE)

**DECLARATION OF JAY KOGAN  
IN SUPPORT OF WARNER BROS.  
ENTERTAINMENT INC. AND DC  
COMICS' MOTION FOR SUMMARY  
JUDGMENT**

DC COMICS,

Third-Party Plaintiff,

v.

CHRISTOPHER WOZNIAK,

Third-Party Defendant.

I, Jay Kogan, declare as follows:

1. I am Senior Vice President, Legal at DC Comics, the Third-Party Plaintiff in this suit. I submit this declaration based upon my personal knowledge and/or my review of business records of DC Comics in support of Warner Bros. Entertainment Inc. ("Warner Bros.") and DC Comics' Motion for Summary Judgment.

2. I have been in-house counsel for DC Comics since 1991. Throughout my time employed by DC Comics, I have provided business and legal advice on many aspects of the business including but not limited to oversight of contracts, registration of copyrights, and licensing of DC Comics' intellectual property.

3. The purpose of this declaration is to provide facts relating to certain claims and defenses alleged by the parties in this action.

4. DC Comics owns many thousands of registrations for Batman works. True and correct copies of a representative sample of those registrations, secured from 1941-1999, are attached hereto as **Exhibits A-L**. Because some of these registrations are decades old, they list DC Comics' predecessors-in-interest (including DC Comics Inc., Detective Comics Inc., National Periodical Publications, Inc., and National Comics Publications, Inc.) as owners of the copyright, but DC Comics now owns all rights in these registrations along with thousands more.

5. DC Comics licenses the rights to create motion pictures based on Batman characters and story elements to Warner Bros. and its subsidiary companies, including for the motion picture *The Batman* released by Warner Bros. in 2022.

6. Plaintiff Christopher Wozniak worked as a freelance artist who did both inking and penciling work for several years in the late 1980s and early 1990s. DC Comics' practice was and is to require any freelancer to enter into an agreement with respect to each discrete project he or she works on.

7. Attached as **Exhibit M** is a true and correct copy of the September 20, 1991 agreement between Mr. Wozniak and DC Comics in which he was paid to do artwork on an issue of Dark Knight, a Batman title.

8. Attached as Exhibit N is a true and correct copy of the December 2, 1992 agreement between Mr. Wozniak and DC Comics in which he was paid to do artwork on an issue of JLI Quarterly, a Justice League title. Batman is among the members of the Justice League.

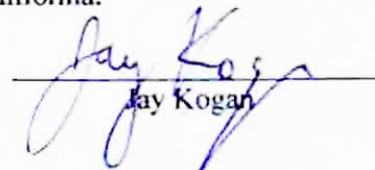
9. DC Comics searched its records and found no copies of any story written by Mr. Wozniak. Other than through this lawsuit, neither I nor any of DC Comics' current executives have any knowledge of any story written by Mr. Wozniak.

10. DC Comics never provided consent – written or otherwise – for Mr. Wozniak to create or publish any story using characters and story elements from Batman's universe.

11. While DC Comics generally does not pursue copyright claims against individuals who submit stories for publication featuring our characters, it does pursue such claims when the writer seeks to exploit any unlicensed story commercially or asserts ownership.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 12<sup>th</sup> day of November 2023 in Burbank, California.

  
Jay Kogan